

HB 239 SAM Testimony 1-28-13

House Education Committee

HB239	Define scope/boundaries of human sexuality/reproduction education K-12	Cary Smith
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Intro: Kirk Miller, SAM

- 884 school leaders across the state in 6 affiliate organizations – MASS, MASSP, MAEMSP, MACSS, MCASE, and new META
- Promoting issues in the best interest of the education of Montana's 144,000 public school children

Opponent Statement

- Opponent of HB 239.
- This bill certainly brings up the statewide issues created by the revision of the Helena Health Curriculum about 3 years ago. The bill targets sex education but could literally lead to legislative requirements for a variety of other curriculum. It infringes on the territory of the Board of Public Education's general supervision of schools (they develop the accreditation standards to be followed), and local trustees supervision and control language (to develop curriculum and requirements for students in a give school community).
- SAM's position on this is in the Position Statements under statewide issues ...
- *ACCREDITATION STANDARDS*
- *SAM supports the implementation and maintenance of strong educationally sound accreditation standards and supports the position that the State Board of Public Education decisions be made with input from all sectors concerned with education. No action should be taken that will affect schools until all concerned are given notice and are provided with the opportunity to be heard through public hearings. Changes affecting fiscal responsibility should not take effect until adequate resources are provided to the school districts.*
- Though this position is general in nature ... HB 329 is intended to replace the constitutional authority of the BPE to set the accreditation standards, and the Local School Board to develop curriculum and plans to implement it, with legislative action. The change requested is in the responsibility of the BPE and they are the proper authority to address such changes, not the legislature. This dates back to 1991 and the lawsuit on Gifted Education that upheld the BPE's inviolate right to set

standards without the legislature meddling in that work (because of whatever reason -- money, philosophy -- you name it).

- I would represent us (SAM) in opposition to the bill for the reasons stated.
- Recommending changes to the powers and duties of the Board of Public Education requires (and should require) a more extensive process than has been used to make the revisions recommended here.
- Having served on the BPE for 14 years and its chair for 6, I can share that organizations, associations, legislators and many others often make requests for additions and deletions to rule making authority. The Montana Administrative Procedures Act outlines the process for amending the procedures and policies of the board. In many past instances Interim Committees have been formed to review from a legal, ethical, and practical standpoint, changes to the powers and duties of the BPE. This should be the case with the request of 'critical thinking in science', as what may appear to be a simple change can have extensive impact on the Administrative Rules of Montana and the funding necessary to meet the needs of students in our Montana Schools.
- An example would be the language that created MCA 20-9-309 was the result of the work of the Montana School Renewal Commission (Interim 2003) and further studied by the Quality Schools Interim Committee (Interim 2005) who carefully reviewed recommended changes based on research and the ability of our state to support the recommendations.
- I suggest that if this matter is of that importance, a process to have it reviewed by multiple levels of experts and the public through the MAPA procedures of the the BPE would be a better, clearer approach than the recommendations made here.

Respectfully,

Kirk J. Miller, Ed.D.
Executive Director, SAM